



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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EXAMINER	
LUONG, V	
ART UNIT	PAPER NUMBER
352	9
DATE MAILED:	

01/18/91

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined Responsive to communication filed on 10/18/1990 This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892. 2. Notice re Patent Drawing, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449 4. Notice of informal Patent Application, Form PTO-152
5. Information on How to Effect Drawing Changes, PTO-1474 6. _____

Part II SUMMARY OF ACTION

1. Claims 1 - 10 are pending in the application.
Of the above, claims 6 - 8 are withdrawn from consideration.
2. Claims _____ have been cancelled.
3. Claims _____ are allowed.
4. Claims 1 - 5, 9, 10 are rejected.
5. Claims _____ are objected to.
6. Claims _____ are subject to restriction or election requirement.
7. This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.
8. Allowable subject matter having been indicated, formal drawings are required in response to this Office action.
9. The corrected or substitute drawings have been received on _____. These drawings are acceptable;
 not acceptable (see explanation).
10. The proposed drawing correction and/or the proposed additional or substitute sheet(s) of drawings, filed on _____
has (have) been approved by the examiner. disapproved by the examiner (see explanation).
11. The proposed drawing correction, filed _____, has been approved. disapproved (see explanation). However,
the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are
corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO
EFFECT DRAWING CHANGES", PTO-1474.
12. Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has been received not been received
 been filed in parent application, serial no. _____; filed on _____.
13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in
accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. Other

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Applicant's election of Group I in Paper No. 8 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (M.P.E.P. § 818.03(a)).

Claims 6-8 are withdrawn from further consideration by the examiner, 37 C.F.R. § 1.142(b) as being drawn to a nonelected invention. Election was made without traverse in Paper No. 8.

The drawings are objected to under 37 C.F.R. § 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, (a) the transmission and the clutch in claims 1 and 9; and (b) the engine in claim 4 must be shown or the feature cancelled from the claim. No new matter should be entered.

The drawings merely show the clutch disc as described in line 14 et seq. on page 7.

This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

The Patent and Trademark Office no longer makes drawing changes. 1017 O.G. 4. It is applicant's responsibility to ensure that the drawings are corrected. Corrections must be made in accordance with the instructions below:

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

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1. Correction of Informalities -- 37 C.F.R. § 1.85; 1097 OG 36

IN APPLICATIONS FILED BEFORE JANUARY 1, 1989 OPTION (a) OR (b) MAY BE USED IN ORDER TO CORRECT ANY INFORMALITY IN THE DRAWING.

IN APPLICATIONS FILED AFTER JANUARY 1, 1989 ONLY OPTION (a) MAY BE USED.

AFTER JANUARY 1, 1991 ONLY OPTION (a) MAY BE USED REGARDLESS OF FILING DATE.

(a) File new drawings with the changes incorporated therein. The art unit number, serial number and number of drawing sheets should be written on the reverse side of the drawings. Applicant may delay filing of the new drawings until receipt of the "Notice of Allowability" (PTOL-37). If delayed, the new drawing MUST be filed within the THREE MONTH shortened statutory period set for response in the "Notice of Allowability" (PTOL-37). Extensions of time may be obtained under the provisions of 37 C.F.R. § 1.136(a). The drawing should be filed as a separate paper with a transmittal letter addressed to the Official Draftsman.

(b) Request a commercial bonded drafting firm to make the necessary corrections. A bonded draftsman must be authorized, the corrections executed and the corrected drawings returned to the Office during the THREE MONTH shortened statutory period set for response in the "Notice of Allowability" (PTOL-37). Extensions of time may be obtained under the provisions of 37 C.F.R. § 1.136(a).

Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the three month shortened statutory period set in the "Notice of Allowability" (PTOL-37). Within that three month period, two weeks should be allowed for review by the Office of the correction. If a correction is determined to be unacceptable by the Office, applicant must arrange to have an acceptable correction re-submitted within the original three month period to avoid the necessity of obtaining an extension of time and of paying the extension fee. Therefore, applicant should file corrected drawings as soon as possible.

Failure to take corrective action within the set (or extended) period will result in ABANDONMENT of the application.

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2. Corrections other than Informalities Noted by Draftsman on the PTO-948.

All changes to the drawings, other than informalities noted by the Draftsman, MUST be made in the same manner as above except that, normally, a red ink sketch of the changes to be incorporated into the new drawings MUST be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

The current listing of bonded draftsmen can be found in the Official Gazette of August 15, 1989.

The information disclosure statement filed on October 18, 1990 has been considered. However, the Japanese document was able to be considered only to a limited extent due to lack of a translation.

Receipt is acknowledged of papers submitted under 35 U.S.C. § 119, which papers have been placed of record in the file.

Claims 1-5, 9 and 10 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear whether applicant claims a crankshaft assembly per se, or a combination of a crankshaft assembly, a transmission, a clutch and an internal combination engine.

If applicant continues to prosecute the application, revision of the specification and claims to present the application in proper form is required. While an application can

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be amended to make it clearly understandable, no subject matter can be added that was not disclosed in the application as originally filed.

Applicant is reminded that "the burden is on the applicant to revise the application to render it in proper form for a complete examination". MPEP 702.01; General Staple Co., Inc. v. Magnifico, 189 USPQ 679 (SD NY 1976) (35 USC 282).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, and 4, as best understood, are rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent Publication No. 57-58542 (hereinafter Pub. '542).

Pub. '542 teaches crankshaft 1, elastic member 3, flywheel 9, the flywheel 9 having an engageable surface engageable with an associated member of the clutch 11 as claimed. See pages 1 and 2 of the specification.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

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skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

The factual inquiries set forth in Graham v. John Deere Co., 383 U.S. 1, 86 S.Ct. 684, 15 L.Ed. 2nd 545 (1966), 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. § 103 are summarized as follows:

1. Determining the scope and contents of the prior art;
2. Ascertaining the differences between the prior art and the claims at issue; and
3. Resolving the level of ordinary skill in the pertinent art.

Claims 1-5, 9 and 10, as best understood, are rejected under 35 U.S.C. § 103 as being unpatentable over Pub. '542.

Regarding claims 1-5, 9 and 10:

Pub. '542 discloses the invention substantially as claimed. However, Pub. '542 does not disclose the range of rigidity such as 600kg/mm - 2200 kg/mm, or the range of axial run-out such as no more than 0.1 mm.

It is common knowledge in the prior art to choose the range of rigidity or axial run-out as claimed in order to improve the efficiency of the crankshaft assembly.

It would have been obvious to one having ordinary skill in

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the art at the time the invention was made to choose the range of rigidity or axial run-out as claimed in order to improve the efficiency of the crankshaft. In re Sovish, 226 USPQ 771,774 (CAFC 1985).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Reik et al. (flywheel 3), Chasseguet et al. (elastic plate 19, flywheel 22), Eckel et al. (flywheel 1), Friedmann et al (crankshaft 5), Fukushima (flywheel 20) and Satou (flywheel 16) are cited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Luong whose telephone number is (703) 308-2163.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

Luong/ph
January 17, 1991



VINH T. LUONG
PRIMARY EXAMINER
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